

**CITATION –TRC 99 and 106**

THE STATE OF TEXAS

COUNTY OF DENTON

CAUSE NO. 19-1024-367

TO: William Olson – [REDACTED] Hartford, SD, 57033 (or wherever he/she may be found)

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Court:	367th Judicial District Court 1450 E. McKinney, 3rd Floor, Denton, TX 76209
Cause No.:	19-1024-367
Date of Filing:	February 04, 2019
Document:	Plaintiff's Original Petition, Request for Permanent Injunction Relief, and Request for Disclosure
Parties in Suit:	Heather Ulrich; William Olson
Clerk:	David Trantham, District Clerk 1450 E. McKinney, Suite 1200, Denton, TX 76209
Party or Party's Attorney:	William J. Brotherton 2340 FM 407, Suite 200, Highland Village, Texas 75077

Issued under my hand and seal of this said court on this the 5th day of February, 2019.

David Trantham, District Clerk  
Denton, Denton County, Texas

BY: Velia Duong , Deputy  
Velia Duong

**Service Return**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ m., and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M by delivering to the within named

\_\_\_\_\_ in person a true copy of this citation, with attached copy(ies) of the Plaintiff's Original Petition, Request for Permanent Injunction Relief, and Request for Disclosure, at \_\_\_\_\_.

Service Fee: \$ \_\_\_\_\_ Sheriff/Constable  
\_\_\_\_\_ County, Texas

Service ID No. \_\_\_\_\_ Deputy/Authorized Person

**VERIFICATION**

On this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit, and have been authorized by the Denton County Courts to serve process.

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
Notary Public

19-1024-367

CAUSE NO. \_\_\_\_\_

HEATHER ULRICH, Plaintiff,	§	IN THE DISTRICT COURT OF
	§	
	§	
v.	§	DENTON COUNTY, TEXAS
	§	
WILLIAM OLSON, Defendant.	§	
	§	_____ DISTRICT COURT

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**PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR PERMANENT INJUNCTIVE  
RELIEF, AND REQUEST FOR DISCLOSURE**

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TO THE HONORABLE COURT:

COMES NOW Plaintiff, Heather Ulrich, and files this *Plaintiff's Original Petition, Request for Permanent Injunctive Relief, and Request for Disclosure* for her cause of action, as will be more particularly set forth hereinafter, complains against Defendant, William Olson, and in support would show the Court the following:

**I. DISCOVERY CONTROL PLAN LEVEL**

Plaintiff intends that discovery be conducted under Discovery Level 3 of the Texas Rules of Civil Procedure.

**II. RULE 47 DAMAGES DECLARATION**

Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff in good faith pleads she is seeking only monetary relief of \$50,000.00 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees.

**III. JURISDICTION AND VENUE**

This Court has proper subject matter jurisdiction and venue in Denton County, Texas, because all or substantially all the actions giving rise to this Petition occurred in Denton County.

This Court has personal jurisdiction over William Olson. The U.S. Constitution permits a state to assert personal jurisdiction over a nonresident defendant when two conditions are met: (1) the defendant has established minimum contacts with the forum state; and (2) the exercise of jurisdiction comports with traditional notions of fair play and substantial justice. Minimum contacts are sufficient for personal jurisdiction when the nonresident defendant purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws. There are three parts to a purposeful availment inquiry: (1) only the nonresident defendant's contacts with the forum are relevant, not the unilateral activity of another party or a third person; (2) the contacts relied on must be purposeful rather than random, fortuitous, or attenuated; and (3) the nonresident defendant must seek some benefit, advantage, or profit by availing itself of the jurisdiction.

For a court to exercise specific jurisdiction over a nonresident defendant, two requirements must be met: (1) the nonresident defendant's contacts with the forum state must be purposeful; and (2) the cause of action must arise from or relate to those contacts. The minimum-contacts analysis for specific jurisdiction focuses on the relationship among the defendant, the forum, and the litigation.

Defendant, knowing that Plaintiff was a Texas resident, contacted Plaintiff via email regarding the subject matter made the basis of this lawsuit for the purpose of obtaining financial gain from Plaintiff. Further, Defendant, used Facebook to commit the tort of invasion of privacy by disclosing publicly facts that are private. Again, Defendant used Facebook in committing the tort clearly knowing that Plaintiff was a Texas resident.

#### **IV. PARTIES AND SERVICE**

Plaintiff is an individual residing at [REDACTED] Lake Dallas, Texas 75065.

Defendant William Olson is an individual and may be served at [REDACTED]  
Hartford, South Dakota 57033, or wherever he may be found.



## V. FACTS

On April 3, 2018, Defendant sent a Facebook message to Plaintiff, followed by an email on April 22, stating that he believed, based upon information that he obtained on Ancestry.com, that Plaintiff's father, Howard Jacobson, was also likely Defendant's father. In response, Plaintiff sent Defendant an email alerting Defendant to the fact that there was a paternity test conducted through the South Dakota Department of Social Services conclusively showing that Plaintiff's father was not Defendant's father and that the State of South Dakota immediately closed the court case against Howard Jacobson based upon the paternity test. On April 25, 2018, Defendant contacted Plaintiff again by email stating that he believed that the paternity test was wrong. Plaintiff did not respond to this email. Defendant contacted Plaintiff by email again on April 26, 2018, persisting with this matter. Plaintiff, because she was concerned that Defendant was attempting to obtain money from her, sent a cease and desist letter to Defendant telling him to cease contacting her.

On January 26, 2018, after receiving the cease and desist letter, Defendant posted on Facebook wherein he declared that Howard Jacobson was his father by referring to Plaintiff as his "sister." In the Facebook post, Defendant implicitly accused Howard Jacobson of fabricating false paternity test results when he stated, "well the man who was exonerated just happened to be a Dentist in the Military who had plenty of knowledge of DNA and access to unlimited amounts of saliva." This statement was false as Howard Jacobson was a technician, not a dentist, and the DNA test that the South Dakota Department of Social Services required from Howard Jacobson was a blood test – not a saliva test. Additionally, Defendant used this Facebook post to publicly complain about Plaintiff being unwilling to help him in order to cast Plaintiff in a bad light and garner sympathy for himself. Even worse, Defendant posted letters from The Locator Team, a group that performs DNA searches, which

contained Plaintiff's and Plaintiff's son's contact information, thus disclosing private information on a public forum.

#### **VI. PUBLIC DISCLOSURE OF PRIVATE FACTS**

The actions of Defendant constitute the tort of invasion of privacy by public disclosure of private facts. The elements of a cause of action for invasion of privacy by public disclosure of private facts are the following:

1. The defendant publicized information about the plaintiff's private life;
2. The publicity would be highly offensive to a reasonable person;
3. The matter publicized is not of legitimate public concern; and
4. The plaintiff suffered an injury as a result of the defendant's disclosure.

Defendant publicized information about Plaintiff's private life when he made allegations that Plaintiff's father had an illegitimate child, falsified a DNA test, cast Plaintiff in a bad light because she wouldn't help him, and allowed Plaintiff's and her son's contact information to be disseminated on Facebook. Not only is this publicity embarrassing to Plaintiff, but it is highly offensive to her as it would be to any reasonable person. What makes it worse is that Defendant is ignoring a DNA (blood) test that conclusively shows that Howard Jacobson is not Defendant's father. Despite Defendant's false implication that the DNA test was faked, Plaintiff's father Howard could not have faked the test. Howard was required to present himself at a designated hospital, show his driver's license, have a picture taken of himself, and sign a statement swearing to who he was, after which he had blood drawn for the test. After the State of South Dakota received the paternity test results and verified the results, it dismissed the paternity lawsuit against Howard Jacobson with a final order. There is no legitimate reason for Defendant to have posted this information on a public forum as the information is not of a legitimate public concern. Plaintiff has suffered injury as a result of Defendant's conduct in the form of

embarrassment, public humiliation and having her and her son's private contact information available to the public on Facebook.

## **VII. PERMANENT INJUNCTIVE RELIEF**

Plaintiff seeks permanent injunctive relief to restrain and enjoin Defendant from the continued public disclosure of private facts relating to her family and her father. Defendant's actions threaten irreparable harm to Plaintiff because her father is not alive and cannot defend himself from the allegations of misconduct, which negatively impacts Plaintiff and her family. Plaintiff has no other adequate remedy at law to prevent Defendant from the public disclosure of private facts.

## **VIII. DAMAGES**

### **Damages**

A Defendant is liable for damages including nominal damages resulting from invasion of privacy by public disclosure of private facts. Plaintiff requests that the Court find that Defendant is liable for all damages caused by his acts and award such to Plaintiff.

### **Exemplary Damages**

Invasion of privacy by public disclosure of private facts is a tort for which Plaintiff may recover exemplary damages. Plaintiff is entitled to exemplary damages, and Defendant is liable to Plaintiff for exemplary damages. Defendant was aware of the falseness of his allegations and insinuations but intentionally proceeded with making them public. Plaintiff requests that the Court find that Defendant is liable for exemplary damages caused by his acts, and award such to Plaintiff to ensure that Defendant never again acts with a reckless disregard for the safety of others.

## **IX. REQUEST FOR DISCLOSURE**

Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

### IX. PRAYER

WHEREFORE, Plaintiff requests that Defendant be cited to appear and answer, and that on final trial, Plaintiff have the following:

1. Judgment against Defendant for damages including nominal damages;
2. A permanent injunction against Defendant enjoining Defendant from publicly disclosing private, intimate facts about Plaintiff and Plaintiff's family including but not limited to her father;
2. Exemplary damages against Defendant;
3. Post-judgment interest at the maximum legal rate; and
5. Any and all other relief, in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

BROTHERTON LAW FIRM

By: 

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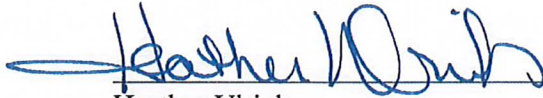
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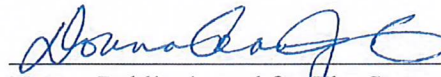
**VERIFICATION**

STATE OF TEXAS       §  
                                  §  
COUNTY OF DENTON   §

I, Heather Ulrich, Plaintiff herein, after being duly sworn, hereby certify that I am qualified to make this affidavit, that I have read each and every factual allegation contained within the foregoing *Plaintiff's Original Petition, Request for Permanent Injunctive Relief, and Request for Disclosure*, and that said factual allegations are within my personal knowledge and are true and correct.

  
Heather Ulrich

Subscribed and sworn to before me this 4<sup>th</sup> day of February 2019.

  
Notary Public, in and for The State of Texas

Printed Name and Date  
Commission Expires

